UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/647,711	10/04/2000	Stephen L Corley	36-1377	2382

23117   7590   03/17/2009
NIXON & VANDERHYE, PC
901 NORTH GLEBE ROAD, 11TH FLOOR
ARLINGTON, VA 22203

EXAMINER
HO, BINH VAN

ART UNIT	PAPER NUMBER
2163	

MAIL DATE	DELIVERY MODE
03/17/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	09/647,711	CORLEY ET AL.
	Examiner	Art Unit	
	BINH V. HO	2163	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *01 December 2008*.

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-12 and 14* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1-12, 14* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on *04 October 2000* is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☒ All   b) ☐ Some * c) ☐ None of:

      1. ☒ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1.   This is a response to amendment filed 12/01/2008.

Claim Rejections - 35 USC § 102

2.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by
> another filed in the United States before the invention by the applicant for patent or (2) a patent
> granted on an application for patent by another filed in the United States before the invention by the
> applicant for patent, except that an international application filed under the treaty defined in section
> 351(a) shall have the effects for purposes of this subsection of an application filed in the United States
> only if the international application designated the United States and was published under Article 21(2)
> of such treaty in the English language.

3.   Claims 1-2, 4-12, and 14 are rejected under 35 U.S.C. 102(e) as being

anticipated by Molloy (U.S. 5,787,234).

(Claims 1, 6, and 14)

Molloy discloses in figures 1-18, a database access tool comprising a database

("The file server includes data base storage 8", col. 5, line 56); means for a user to

construct database queries ("The consultant proceeds by typing the word "printer" into

the Component field 50, and then pressing the Enter key", col. 7, lines 62-67); a query

store for storing previously constructed database queries, said query store being

separate from said database (6, 9, "Prior to the interaction illustrated in FIGS. 3-7 a

substantial collection of concepts and cases related to the equipment being supervised

has been stored in the memory of the adaptive learning system. This information was

used to form case and concept tables stored in a knowledge cube in the terminal used

by the help desk consultant.", col. 7, 32 +); a search tool operable to receive a user

constructed database query and search the query store for a previously constructed

database query that resembles said user constructed database query ("The system

then attempts to match this input with the information stored in the knowledge cube.

This action brings about the activation of a variety of concepts, and these activations

are exhibited in the picklist 52, which is displayed just below the Component field", col.

8, lines 1-9); and query submission means for selecting between the user constructed

query and a previously constructed database query resembling the user constructed

query located by the search tool from the query store, and for submitting the selected

query to said database ("a match between the text string "printer" entered in the

Component field and the text string "print" found in the names of these concepts. Below

these are shown six additional concepts which are activated by synonym matches. That

is, the string "print" is contained in the synonym list associated with these other

concepts. The synonym activations are shown as darker bars 54 at the bottom of the

picklist in FIG. 2", col. 8, lines 1-67).

    (Claims 2, and 8)

    Molloy discloses wherein the means for constructing database queries comprises

user input means for loading data to at least one data field in a database query and the

search tool comprises means to calculate a similarity factor between the data fields in

database queries stored in the query store and at least one data field in a user

constructed database query ("The order of the concepts in the picklist is determined by

a scoring process. The most strongly activated concepts are brought to the top of the

list, and have the longest bars in the graph that is superimposed on the list. Details of

the activation and scoring process as are set forth below in the description of FIGS. 8-

13", col. 8, lines 10-29).

(Claims 4, 11)

Molloy discloses wherein management information data is collected in use of the

tool to submit queries to the database, the tool further comprising means for collecting

said management information, structuring the management information for a respective

query in the same manner as a database query constructed by the tool and loading the

structured management information to a management information data store, said

management information data store being searchable by means of the search tool ("The

consultant proceeds by typing the word "printer" into the Component field 50, and then

pressing the Enter key. The system then attempts to match this input with the

information stored in the knowledge cube", col. 7, lines 32-67; col. 8, lines 1-29).

(Claims 5, and 12)

Molloy discloses further comprising a data store for storing previous results

associated with previous database queries and wherein the search tool is further

operable, when a previously constructed query is identical or similar to the user

constructed query is selected, to return the results stored in the data store that are

associated with the selected previously constructed query (col. 7, lines 53-67; col. 8,

lines 36-67).

(Claim 7)

Molloy discloses wherein the step of constructing a database query comprises a

user loading data to at least one data field in a database query ("The consultant

proceeds by typing the word "printer" into the Component field 50, and then pressing

the Enter key. The system then attempts to match this input with the information stored

in the knowledge cube", col. 7, lines 62-67; col. 8, lines 1-9).

Claim Rejections - 35 USC § 103

4.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art
> are such that the subject matter as a whole would have been obvious at the time the invention was made to
> a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be
> negatived by the manner in which the invention was made.

5.   Claim 3, is rejected under 35 U.S.C. 103(a) as being unpatentable over Molloy

(U.S. 5,787,234) in view of Johnson (U.S. 5,978,785).

(Claims 3)

Molloy discloses substantially all of the elements, except wherein the query store

and the search tool are constructed according to use of case based reasoning (CBR)

and the means for constructing database queries does so to construct a query as a

case. Johnson teaches a framework for use with object-oriented programming systems

provides a case-based reasoning (CBR) system shell that permits a framework user to

develop a case base having case histories and generates a case-based reasoning

system that receives user requests for query solutions and produces a query solution

that can be incorporated into the case base (Abstract). It would have been obvious at

the time of the invention was made for one person of the ordinary skill in the art to

modify the disclosure of Johnson to provide the CBR system receives a description of a

current problem, retrieves the closest matching cases from the case base using a query

engine processor, and iteratively prompts the user for additional descriptive information

until the retrieved case or cases are sufficiently close (similar) to be considered a

solution to the current problem. The produced solution is then validated through a

variety of means, such as user feedback or automatic validation. A validated solution

can be added to the case base and used in future problem solving, if appropriate as

Johnson teaches in abstract.

Inquiry

6.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Binh V. Ho whose telephone number is 571 272 8583.

The examiner can normally be reached on M-F from 8:00AM - 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Don K. Wong can be reached on 571 272 1834. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published

applications may be obtained from either Private PAIR or Public PAIR. Status

information for unpublished applications is available through Private PAIR only. For

more information about the PAIR system, see http://pair-direct.uspto.gov. Should you

have questions on access to the Private PAIR system, contact the Electronic Business

Center (EBC) at 866-217-9197 (toll-free).

                                        Binh V Ho
                                        Examiner
                                        Art Unit 2163

/don wong/

Supervisory Patent Examiner, Art Unit 2163